

SENATE BILL REPORT

HB 1789

As of March 20, 2009

Title: An act relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

Brief Description: Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

Sponsors: Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille; by request of Department of Corrections.

Brief History: Passed House: 3/03/09, 94-0.

Committee Activity: Human Services & Corrections: 3/20/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: When an offender is sentenced for a crime, the sentencing court must give the offender credit for the time the offender served in custody before the sentencing on the offender's judgment and sentence, if the time served in custody was solely in regard to the offense for which the offender is being sentenced.

The term of sentence served by an offender in a jail prior to sentencing may be reduced by earned release time for good behavior and good performance, as determined by the jail having jurisdiction over the offender. If an offender is transferred from a jail to a facility operated by the Department of Corrections (DOC), the jail must certify to DOC the amount of time which the defendant spent in custody, and the amount of earned release time that the offender is owed.

When the sentencing court credits an offender with an incorrect amount of time served in custody on the judgment and sentence, the error may only be corrected by means of a resentencing. DOC is permitted to petition the Court of Appeals for a review of errors of law committed in the sentencing of a defendant if DOC is unable to resolve the dispute as to sentence at the superior court level.

Summary of Bill: DOC is entitled to rely solely on a jail certification to determine the amount of presentence earned release time due. Disregard of a disparity between the jail

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certification and the judgment and sentence does not constitute an apparent or manifest error of law for purposes of determining the amount of earned release time due.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2009.

Staff Summary of Public Testimony: PRO: This bill will offer protection from some of the frivolous lawsuits filed by prisoners. We support this bill, and would be happy to support the Senate version as well.

Persons Testifying: PRO: Representative Dammeier, prime sponsor; Dick Morgan, DOC.